

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROMAN GARCIA,

Defendant.

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Case No. 3:19cr116

JUDGE WALTER H. RICE

DECISION AND ENTRY OVERRULING DEFENDANT'S MOTION TO
SUPPRESS EVIDENCE AND STATEMENTS (DOC. #14); BRIEF OPINION
EXPLAINING REASONS TO FOLLOW WITHIN 48 TO 72 HOURS

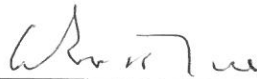
The Court has reviewed the entirety of the record in the captioned cause, including the memoranda filed both in support of and in opposition to the Defendant's motion, seeking an order of the Court suppressing evidence and statements given by the Defendant (Doc. #14), including a transcript of the oral and evidentiary hearing thereon, held December 2, 2019.

Based upon reasons given in a written decision to be filed within 48 to 72 hours, said motion of the Defendant is OVERRULED in its entirety.

In so ruling, this Court concludes that the anticipatory search warrant issued by the Magistrate Judge was supported by probable cause; that any evidence seized as a result thereof was so supported and was reasonable; that the search of the residence at 415 N. Wright Street, Dayton, Ohio, was consensual; and that any statements made by the Defendant were not only given post-Miranda but made voluntarily, knowingly and intelligently. Accordingly, the

government has sustained its burden of proving the voluntariness of the Miranda waiver by the preponderance of the evidence.

March 17, 2020



WALTER H. RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record